charged was the denial of the criminal act, and collateral questions, such as the victim's age, had not been in issue. To bar the later prosecution for perjury involves the danger that an acquittal obtained by perjured denials will absolve the defendant from the perjury as well, and this possibility demands a strict administration of the rule.

EVIDENCE — GENERAL PRINCIPLES AND RULES OF EXCLUSION — MATTERS LIKELY TO MISLEAD JURY: PRIVATE RULES TO SHOW STANDARD OF CARE. — In an action for negligent injury by a street car the plaintiff offered the private rules set by the company for its employees as evidence of the proper standard of care. *Held*, that such rules are inadmissible. *Virginia Railway & Power Co.* v. *Godsey*, 83 S. E. 1072 (Va.).

The private rules of a company are not admissible, unless possibly in connection with similar rules of other companies to show a general practice, except as admissions that conduct in violation of such rules is negligent. As admissions, however, they have but slight force, for ordinarily the rules impose on the employees a standard of care higher than that required by law, since the company is desirous of avoiding not simply liability but also accidents from the negligence of others. Furthermore, the policy against such evidence is strong, for the law should encourage the employer to set a high standard. To allow the rules to be introduced as admissions of the legal standard of care would induce carelessness and would penalize the cautious employer. The evidence of subsequent repairs to prove a previous negligent condition presents a close analogy. Such evidence is now always excluded. *Morse* v. *Minneapolis & St. L. Ry. Co.*, 30 Minn. 465, 16 N. W. 358; *Columbia & Puget Sound R. Co.* v. *Hawthorne*, 144 U. S. 202; *Hart* v. *Lancashire & Yorkshire Ry. Co.*, 21 L. T. N. S. 261. A few courts, however, have allowed the admission of private rules. *Lake Shore & M. S. Ry. Co.* v. *Ward*, 135 Ill. 511, 26 N. E. 520; *Stevens* v. *Boston Elevated Ry. Co.*, 184 Mass. 476, 69 N. E. 338; *Cincinnati Street Ry. Co.* v. *Altemeier*, 60 Oh. St. 10, 53 N. E. 300; *Delaware, L. & W. R. Co.* v. *Ashley*, 67 Fed. 209. The authority of some of these cases is weakened by the unsound reasoning upon which they rest. The Massachusetts court, for example, confuses private rules and municipal ordinances. See 27 HARV. L. REV. 317. And the Ohio court admits the evidence on the illogical ground that the rules are part of the *res gesta*. The better authorities support the view taken in the principal case, which seems much to be preferred. *Alabama Great Southern R. Co.* v. *Clark*, 136 Ala. 450, 34 So. 917; *Hoffman* v. *Cedar Rapids & M. C. Ry. Co.*, 157 Ia. 655, 139 N. W. 165; *Fonda* v. *St. Paul City Ry. Co.*, 71 Minn. 438, 74 N. W. 166.

FEDERAL COURTS — JURISDICTION AND POWERS IN GENERAL — *AD DAMNUM* REDUCED TO PREVENT REMOVAL FROM STATE TO FEDERAL COURT. — The plaintiff was suing in a state court for five thousand dollars, but received notice that the defendant was about to file a petition for removal to the federal court, and reduced his *ad damnum* by amendment to three thousand dollars to prevent the federal court from getting jurisdiction. *Held*, that the federal court has no jurisdiction. *Anderson* v. *Western Union Tel. Co.*, 218 Fed. 78 (D. C., E. D., Ark.).

A situation somewhat analogous to the principal case arises when a party changes his domicile for the purpose of getting his case into the federal courts. If a new domicile is actually acquired, the motive for the change is immaterial. *Williamson* v. *Osenton*, 232 U. S. 619. A real transfer of the property in dispute to a citizen of another state will likewise give the diversity of citizenship necessary to federal jurisdiction, whatever be the motive. *Briggs* v. *French*, 2 Sumner (U. S.) 251. But see FEDERAL JUDICIAL CODE, § 24. Similarly the decisions were unanimous to the effect that a *remittitur* even

after judgment would prevent an appeal from a Circuit to the Supreme Court. *Alabama Gold Life Ins. Co.* v. *Nichols*, 109 U. S. 232; *Pacific Postal Tel. Cable Co.* v. *O'Connor*, 128 U. S. 394. When, as in the principal case, there is a reduction of the *ad damnum* clause to prevent removal to the federal court, the same underlying principle governs. The reduction, if it takes place after removal, will, of course, be ineffectual to deprive the federal court of jurisdiction already acquired. *Johnson* v. *Computing Scale Co.*, 139 Fed. 339. The same is true if the petition and bond for removal have already been filed. *Chicago, R. I. & P. R. Co.* v. *Stone*, 70 Kan. 708, 79 Pac. 655. But a reduction made prior to the filing of the petition for removal is effective to prevent the federal court from getting jurisdiction. *Western Union Tel. Co.* v. *Campbell*, 41 Tex. Civ. App. 204, 91 S. W. 312.

FOREIGN CORPORATIONS — DOMESTIC JURISDICTION — JURISDICTION OF EQUITY TO INTERFERE WITH INTERNAL MANAGEMENT OF FOREIGN CORPORATION. — A foreign mutual beneficiary society threatened to cancel the plaintiff's certificate entitling him to membership and insurance. Having served process on the local agent, the plaintiff asks an injunction to prevent this action by the corporation. *Held*, that the relief cannot be granted. *Tolbert* v. *Modern Woodmen of America*, 145 Pac. 183 (Wash.).

For a discussion of the jurisdiction of equity over the internal management of foreign corporations, see p. 611 of this issue of the REVIEW.

INJUNCTIONS — ACTS RESTRAINED — PAYMENT OF SALARIES ALLEGED NOT TO BE CONSTITUTIONALLY AUTHORIZED. — A state legislature created an investigating commission and provided for the payment of the salaries and expenses of its members. The plaintiff, a taxpayer, alleging that this legislative action was unconstitutional, brings suit to enjoin the state auditor and treasurer from making the authorized payments. *Held*, that he cannot maintain the suit. *Sutton* v. *Buie*, 66 So. 956 (La.).

The court, while admitting that these taxpayer's actions are maintainable against municipal officers, properly distinguishes attempts to enjoin state officials by reason of the practical inconvenience involved, and avoids the common error of denying relief upon jurisdictional grounds, or upon the theory that the suit is really brought against the state itself. For a discussion of the principles involved, see 28 HARV. L. REV. 309.

INTERSTATE AND FOREIGN COMMERCE — WHAT CONSTITUTES FOREIGN COMMERCE — ROUTE OVER HIGH SEAS WITH *TERMINI* WITHIN ONE STATE. — A California corporation operated a line of steamships running from one port in California to another port in the same state, part of the voyage being on the high seas. The state Railroad Commission undertook to regulate the rates charged. *Held*, that the state commission has this power. *Wilmington Transportation Co.* v. *Railroad Commission of California*, 236 U. S. 151.

This case, one of first impression in the United States Supreme Court, affirms the decision of the state supreme court discussed in 27 HARV. L. REV. 686. See *Wilmington Transportation Co.* v. *Railroad Commission of California*, 166 Cal. 741, 137 Pac. 1153. The only other adjudication is now overruled. *Pacific Coast S. S. Co.* v. *Board of R. Commissioners*, 18 Fed. 10. The case does not, however, involve a decision that rates for such commerce are exclusively within the control of the states. The court reaches its result on the narrower ground that the matter is one of purely local concern, and therefore within the control of the states, at least until Congress has acted. See *Port Richmond, etc. Co.* v. *Board of Chosen Freeholders*, 234 U. S. 317. Whether or not such commerce may be brought within federal jurisdiction under the commerce clause remains as yet undecided. The carriage of goods from a point on the high seas without the United States to a point within, although not strictly com-